

(This document is intended to be a “Guideline” which describes in simple terms a number of basic requirements which must be met before licensing food firms. For further assistance contact the District Office in your area. Out of State inquiries may contact the Administrative Office in Atlanta.)

## **BASIC REGULATORY REQUIREMENTS FOR LICENSING FOOD FIRMS**

### **Licensing:**

Georgia Food Act (Section 26-2-25) “It shall be unlawful for any person to operate a food sales establishment without having first obtained a license from the Commissioner”

“Food Sales Establishment” means retail and wholesale grocery stores; retail seafood stores and places of business; food processing plants, except those food processing plants which are currently required to obtain a license from the Commissioner under any other provision of law; bakeries; confectioneries; fruit, nuts, and vegetable stores or roadside stands; wholesale sandwich and salad manufacturers, including vending machines and operations connected therewith; and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off the premises.

A license may not be transferred from one person to another person, from one food establishment to another, or from one type of operation to another.

The Department does not issue temporary permits. There will be a fee for the license.

### **Facilities:**

Corporations must be registered with the Georgia Secretary of State with Active/Compliance status before receiving a Food Sales Establishment license.

<http://corp.sos.state.ga.us/corp/soskb/CSearch.asp>

Food processors, packers & storage facilities (does not include retail facilities) must register with FDA under Bioterrorism Act. Facilities must register whether or not food from the facility enters interstate commerce.

<http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodDefenseandEmergencyResponse/ucm113822.htm>

Receive approval from proper zoning authority for land use and comply with all other governing agencies.

Contact with the appropriate District Office is strongly recommended prior to the beginning of any construction.

<http://agr.georgia.gov/portal/site/AGR/menuitem.2f54fa407984c51e93f35eead03036a0/?vgnextoid=bd8e733860a06210VgnVCM100000bf01020aRCRD>

A private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters may not be used for conducting food establishment operations.

Living or sleeping quarters located on the premises of a food establishment shall be separated from rooms and areas used for food establishment operations by complete partitioning and solid self-closing doors.

A facility intending to lease space from a food service facility permitted by the Environmental Health Department will be required to obtain a letter from the local Environmental Health Department allowing the dual licenses to occur.

Shared-Time/Community Kitchens are available for leasing kitchen space. The owners of the facility must obtain a Food Sales Establishment License as well as each individual regulated by the Georgia Department of Agriculture that is using the kitchen.

### **Facility Requirements:**

Exterior Walls, Doors, Floors and Roof of a food establishment shall effectively protect the establishment from the weather and the entry of insects, rodents, and other animals.

Materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be smooth, durable and easily cleanable for areas where food establishment operations are conducted.

Attachments to walls and ceilings such as light fixtures, mechanical room ventilation system components, vent covers, wall mounted fans, decorative items, and other attachments shall be easily cleanable.

### **Pest Control:**

Adequate measures shall be in place to preclude contamination by insects, rodents, and other pests: within the physical facility and its contents; and on the contiguous land or property.

### **Sinks:**

Sink requirement is determined by the type of food operation.

### **Warewashing:**

Except as specified below, a sink with at least **3 compartments** shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

A **2-compartment** sink may be used only if:

1. Its use is approved by the Department; and
2. The nature of warewashing is limited to batch operations.

Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils.

**Handwashing:**

At least one handwash sink shall be located in or immediately adjacent to toilets rooms. Additionally, handwashing facilities shall be installed to permit the convenient use by all employees in food preparation and warewashing areas.

**Service (Mop Sink):**

At least 1 service sink or 1 curbed cleaning facility equipped with a floor drain shall be provided and conveniently located.

**Toilets and Urinals:**

At least 1 toilet and not fewer than the number of toilets as may be required by other laws shall be provided.

**Water:**

Water shall be obtained from an approved public or private source.

All sinks shall be plumbed with hot and cold running water under pressure. The hand washing sink can accomplish the accurate temperature through a mixing valve or combination faucet.

The water source and system shall be of sufficient capacity and pressure to meet the water demands of food establishment.

Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the food establishment.

**Plumbing:**

A plumbing system shall be designed, constructed and installed according to local code.

Floor drains may be required under some conditions and shall be installed as regulations and local codes require.

A plumbing system and hoses conveying water shall be constructed and repaired with approved materials.

**Sewage:**

Sewage shall be disposed through an approved public or individual disposal system.

County or municipal sewer system evaluation may be required to approve a grease trap, or to allow an exemption.

**Outside Premises:**

The premises shall be free of excessive vegetative growth and debris.

The outdoor walking and driving areas shall be surfaced with materials that minimize dust, facilitate maintenance, prevent muddy conditions, and shall be graded to drain.

Exterior surfaces of establishment buildings and associated structures shall be of weather-resistant materials.

**Refrigeration:**

Equipment for cooling and heating food and holding hot and cold food shall be sufficient in number and capacity to provide proper food temperatures. A maximum of 40° F for Cold Foods and a minimum of 135° F for Hot Foods.

**Food:**

Food shall be of sound condition and safe for human consumption and shall be obtained from sources that comply with applicable laws relating to food safety.

Food prepared in a private home may not be used or offered for human consumption in a food sales establishment, neither shall rooms used to store or offer food for sale, be used as living quarters.

**Labels:**

Prior to the manufacture of products, all packed product labels are subject to review by the Department as administrative procedures enjoin.

Basic label requirement for food products include:

1. The name and address including the Zip Code of manufacturer, packer or distributor.
2. The Net Contents in definite units (Refer to 40-15-3-.08)
  - a. If liquid, in liquid measure
  - b. If solid in terms of weight
  - c. If a mixture (solid and Liquid) in terms of weight
  - d. The declaration of contents of a package must be listed on the label and shall appear on the bottom 30 % of the principal display panel.
3. Metric declaration must be listed on label of food products.  
For example: Net Wt.16 oz (454 g.); Net. 16 Fl. Oz. (473 ml.)
4. The common name of the product.
5. A list of ingredients (with sub-ingredients), the common name of each ingredient and in order of predominance by weight.

6. Under certain conditions, the following are necessary:
  - a. Optional ingredients
  - b. Dietary properties, if claimed
  - c. If used, artificial ingredients must be so labeled
  - d. Preservatives identified in the Ingredient's Statement
  - d. Clearly indicated in event anything is **Imitation**
  - e. NLEA Requirements
  - f. Allergen Declaration after the Ingredient's Statement
7. A product code shall be applied to all packaged foods by the food manufacturer or processor at the time of packaging, which indicates information that would be useful in tracing the product back to the production date, location, and like information.

Labels submitted for review by the Atlanta Office should first be critiqued by responsible sanitarian and/or supervisor using label review policy (Memorandum No. 96-4) and deficiencies addressed with management and corrected prior to submission.

**Inspection:**

Inspections shall be conducted as often as the Department deems necessary to insure compliance with these regulations and at a minimum established by Departmental directives.

**Additional Regulations:**

Additional regulations may apply based on the type(s) of food operations conducted at the establishment.

**Georgia Department of Agriculture Rules and Regulations:**

The following link is to the Georgia Department of Agriculture internet website. The directions that follow will lead to the current Georgia Department of Agriculture 40-7-1 regulations applicable to the food industry in Georgia.

[www.agr.georgia.gov](http://www.agr.georgia.gov)

- 1) **Select Divisions;**
- 2) **Click on Consumer Protection Division;**
- 3) **Click on Consumer Protection Administration;**
- 4) **Click on General Rules**

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